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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,566	03/06/2001	Robert Olan Keith JR.	ABREAU-00107	4072
28960	7590	05/13/2005		
HAVERSTOCK & OWENS LLP 162 NORTH WOLFE ROAD SUNNYVALE, CA 94086			EXAMINER NGUYEN, CAM LINH T	
			ART UNIT 2161	PAPER NUMBER
DATE MAILED: 05/13/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/800,566

Applicant(s)

KEITH, ROBERT OLAN

Examiner

CamLinh Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 - 7, 9 - 15, 17 - 23, 25 - 29, and 31 - 32 is/are pending in the application.
- 4a) Of the above claim(s) 8, 16, 24 and 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 7, 9 - 15, 17 - 23, 25 - 29, and 31 - 32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/14/05.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Amendment*

1. This Office Action is response to the amendments filed on 3/25/2005.
2. Applicant's amendments to claims 1 – 32 are acknowledged. Consequently, rejections under 35 U.S.C 112 are withdrawn. Currently, claims 1 – 7, 9 – 15, 17 – 23, 25 – 29, and 31 - 32 are pending.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 – 7, 9 – 15, 17 – 23, 25 – 29, and 31 - 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Witek et al (U.S. 6,253,188) in view of Doan et al (U.S. 6,421,661) further in view of Botto et al (U.S. 5,604,772).

♦ As per claim 1, 9, 17, 25, 31 – 32,

Witek teaches a method of accessing information in a searchable database comprising:

- “The searchable database is formatted in a directory tree structure” See Fig. 4, col. 11, lines 20 – 25, col. 18, lines 1 – 32.
- “The directory tree structure includes nodes ... branches” See fig. 4. Each category corresponds to a node. All nodes are linked together.
- “Categorizing each item of data by a navigation path through the directory tree structure and by one or more parameters” Witek teaches that: “Web sites and associated pages are

prepared with HTML and include "links" to other locations and resources on the Web, the links being the features which enables a user, as noted, to "navigate" from one point or information resource to another, thereby, providing the Web with its dynamic character (col. 23, lines 11 – 22.) Therefore, the link corresponds to the path that is used to access to the resource. Witek discloses a method to category documents by identifying the parameters and associated values (col. 50, lines 56 – 67). Based on these values, the document is assigned to a category, and created link to the document.

- “ Each parameter is set with a corresponding value associated with the data item thereby forming a set parameter” see Fig. 3, col. 15, lines 25 – 26, col. 51, lines 1 – 11.
- “ An external application different than the research system accessing one or more nodes... and obtaining data from the one or more node by utilizing an application programming interface associated with the research system” See Fig. 2, elements 22 - 24, col. 21, lines 36 – col. 22, lines 14. An “application programming interface” corresponding to the Service provider 24.

Witek does not clearly disclose a query language string which is a command string written according to a query language.

However, Doan, on the other hand, discloses a method for accessing a hierarchical database by a query string (col. 6, lines 56 - 65). This query string also is a command string that used to retrieved data from the database (See Fig. 5, col. 14, lines 61 – 67, col. 16, lines 11 – 15).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Doan into the invention of Witek because the combination of

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reduce the translation between data type in the database and reduce the searching time by applying directly the value of data into the database.

The combination of Witek/Doan fails to disclose the dichotomous key search. However, this method search is a well known in the art. Botto provides an example of it.

Botto teaches that a dichotomous key search is used to search for data in the database 112, wherein the database is a hierarchical database (See Fig. 5, col. 5, lines 26 – 29).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Botto into the invention of Witek/Doan because the combination would reduce the memory access when using binary search, and providing user more search methodologies.

◆ As per claims 2, 10, 18, 26, the combination of Witek and Doan and Botto disclose:

- “The applications programming interface accesses the one or more nodes... using a query string defining a navigation path” The query includes keywords that defined the navigation path. Users access the directory by a query (See Fig. 10, Witek); therefore the navigation path is defined by a query language string.

◆ As per claims 3, 11, 19, 27, the combination of Witek and Doan and Botto disclose:

- “Links to other nodes within the directory tree structure, links to web sites external to the electronic system” See Fig. 8 – 10, col. 23, lines 44 – 48, col. 24, lines 10 – 16 of Witek.

◆ As per claims 4, 12, 20, 28, the combination of Witek and Doan and Botto disclose:

- “The searchable database is distributed into more than one physical location” See Fig. 1, element 20, col. 9, lines 53 – col. 10, lines 5, col. 25, lines 37 – 44 of Witek.

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♦ As per claims 5 - 7, 13 - 15, 21 - 23, 29, the combination of Witek and Doan and Botto disclose:

- "Accessing one or more nodes is performed by a server" See Fig. 1, 5A, col. 25, lines 13 - 33 of Witek.
- "Establishing an Internet connection with the server" See Fig. 5a, element 14, 24, col. 21, lines 15 - 20 of Witek.

### ***Response to Arguments***

5. Applicant's arguments filed 3/25/2005 have been fully considered but they are not persuasive.

Applicant argues that the Witek reference does not teach performing a search in which for any given searching step, at any location within the database, four different search methodologies are available to be used to perform the search. The Examiner respectfully disagrees.

Applicant does not clearly claim "at any step location within the database, four different methodologies are available to be used to perform the search". In stead, Applicant claims "wherein each utilization of the search module includes the availability of each search".

Therefore, if the Witek discloses one of the methods and the method is available for the search process, then the Witek still can apply to the invention.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

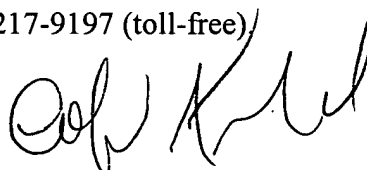
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CamLinh Nguyen whose telephone number is (571) 272 - 4024. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272 - 4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nguyen, Cam-Linh

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ALFORD KINDRED  
PRIMARY EXAMINER